85-821

No.

Supreme Court, U.S.
FILED
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JOSEPH F. SPANIOL, JR.
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IN THE SUPREME COURT OF THE UNITED STATES
October, 1985

In the matter of: STATE OF FLORIDA, DEPARTMENT OF BUSINESS REGULATION, STATE OF FLORIDA, DEPARTMENT OF REVENUE, STATE OF FLORIDA, AND THE CITY OF TAMPA, FLORIDA,

Petitioners,

v.

UNITED STATES DEPARTMENT OF THE INTERIOR and DONALD P. HODEL, SECRETARY OF THE INTERIOR, and SEMINOLE TRIBE OF FLORIDA,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

RESPONDENT, SEMINOLE TRIBE OF FLORIDA, BRIEF IN OPPOSITION

CHARLES W. ROSS
Greene & Mastry, P.A.
P. O. Box 3542
St. Petersburg, FL 33731
(813) 893-1963

JACK M. SKELDING, JR.
Haben, Parker, Skelding, Costigan, McVoy & Labasky
P. O. Box 669
Tallahassee, FL 32302
(904) 222-3730

BEST AVAILABLE COPY

QUESTION PRESENTED FOR REVIEW

WHETHER THE DECISION OF THE ELEVENTH CIRCUIT COURT OF APPEALS IN THIS CAUSE CONFLICTS WITH THIS COURT'S DECISIONS IN LAND v. DOLLAR, 330 U.S. 731, 94 L.Ed. 1209, 67 S.Ct. 1009 (1947), FLORIDA DEPARTMENT OF STATE v. TREASURE SALVORS, INC., 458 U.S. 670, 73 L.Ed.2d 1057, 102 S.Ct. 3304 (1982), ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATION, INC. v. CAMP, 397 U.S. 150, 25 L.Ed.2d 184, 90 S.Ct. 827 (1970), AND THE ELEVENTH CIRCUIT'S DECISION IN EATON v. DORCHESTER DEVELOPMENT, INC., 692 F.2d 727 (11th Cir. 1982).

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OPINIONS AND JUDGMENTS DELIVERED IN COURTS BELOW

The Respondent, Seminole Tribe of Florida, accepts the Petitioners' statements regarding judgments and opinions delivered in the courts below.

JURISDICTION

The Respondent, Seminole Tribe of Florida, accepts the Petitioners' statement of grounds upon which the jurisdiction of this Court is invoked.

STATUTES, AND REGULATIONS INVOLVED

The Respondent, Seminole Tribe of Florida, accepts the Petitioners' statement of Constitutional provisions, statutes, and regulations involved in the case, but supplements said statement as follows:

The Administrative Procedure Act 5 U.S.C. 702

Right of review

A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof. An action in a court of the United States seeking relief other than money damages and stating a claim that an agency or an officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed

nor relief therein be denied on the ground that it is against the United States or that the United States is an indispensable party. The United States may be named as a defendant in any such action and a judgment or decree may be entered against the United States: Provided, That any mandatory or injunctive decree shall specify the Federal officer or officers (by name or by title), and their successors in office, personally responsible for compliance. Nothing herein (1) affects other limitations on judicial review or the power or duty of the court to dismiss any action or deny relief on any other appropriate legal or equitable ground; or (2) confers authority to grant relief if any other statute that grants consent to suit expressly or impliedly forbids the relief which is sought.

The Quiet Title Act, 28 U.S.C. §2409a

Real property quiet title actions

(a) The United States may be named as a party defendant in a civil action under this section to adjudicate a disputed title to real property in which the United States claims an interest, other than a security interest or water rights. This section does not apply to trust or restricted Indian lands, nor does it apply to or affect actions which may be or could have been brought under sections 1346, 1347, 1491, or 2410 of this title, sections 7424, 7425, or 7426 of the Internal Revenue Code of 1954, as amended (26 U.S.C. 7424, 7425, and 7426), or section 208 of the Act of July 10, 1982 (43 U.S.C. 666).

STATEMENT OF THE CASE

The Respondent, the Seminole Tribe of Florida, accepts the Petitioner's Statement of the Case with respect to the course of judicial proceedings below. However, the Respondent supplements the factual allegations of the Statement of the Case by explaining that the Complaint filed by the Petitioner against the United States Department of Interior and its Secretary, sought a declaration that the Defendant's acquisition of a small tract of real estate in Hillsborough County, Florida, in trust for the Seminole Tribe of Florida, was void and of no force and effect. The Complaint sought to divest the United States of its fee ownership to said real property.

SUMMARY OF ARGUMENT

I.

No conflict exists between the within decision of the United States court of appeals and Land v. Dollar, 330 U.S. 731, 91 L.Ed. 1209, 67 S.Ct. 1009 (1947), in that the facts and legal issues addressed in Land v. Dollar are completely distinguishable from the facts and legal issues considered by the court of appeals decision in this action.

In addition, the holding in Land v. Dollar has been limited by this Court's opinions in Larsen v. Domestic and Foreign Commerce Corporation, 337 U.S. 682, 93 L.Ed. 1628, 69 S.Ct. 1457 (1949); Malone v. Bowdoin, 369 U.S. 643, 8 L.Ed.2d 168, 82 S.Ct. 980 (1962); Block v. North Dakota ex rel. Board of University and School Lands, 461 U.S. 273, 75 L.Ed.2d 840, 103 S.Ct. 1811

(1983). Land v. Dollar has continuing validity only in connection with claims for "an unconditional taking of property without just compensation", and those issues are not raised in the within action.

The Eleventh Circuit opinion in this cause does not conflict with Eaton v. Dorchester Development, Inc., 692 F.2d 727 (11th Cir. 1982), in that the facts and law raised in that decision are clearly distinguishable from the facts and law of the within action.

Further, an alleged conflict between two decisions of the same circuit court of appeals will not support conflict jurisdiction so as to authorize review on certiorari.

II.

The opinion of the Court of Appeals in this action does not conflict

with Florida Department of State v. Treasure Salvors, Inc., 458 U.S. 670, 73 L.Ed.2d 1057, 102 S.Ct. 3304 (1982). The factual and legal issues raised by the Treasure Salvors opinion are entirely distinguishable from the facts and legal issues in the within cause.

III.

This Court's prior decision in Block v. North Dakota, ex rel. Board of University and School Lands, 461 U.S. 273 75 L.Ed.2d 840, 103 S.Ct. 1811 (1983) is controlling. In Block, this Court held that the Quiet Title Act of 1972 ("QTA") constituted the exclusive means by which the United States' title to real property could be challenged. The provisions of the QTA do not apply to "trust or restricted Indian lands".

ARGUMENT I

THE DECISION OF THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT DOES NOT CONFLICT WITH LAND v. DOLLAR, 303 U.S. 731, 91 L.Ed. 1209, 67 S.Ct. 1009 (1947) AND EATON v. DORCHESTER DEVELOPMENT, INC., 692 Fed.2d 727 (11th Cir. 1982)

The Petition for Writ of Certiorari is predicated upon an alleged conflict between the Eleventh Circuit Court of Appeals decision in this case and the Supreme Court Opinion in Land v. Dollar, 330 U.S. 731, 91 L.Ed. 1209, 67 S.Ct. 1009 (1947). The factual and legal issues raised by the Eleventh Circuit decision in this case are entirely distinguishable from the factual and legal issues addressed in Land v. Dollar and accordingly, there is no true conflict between these decisions so as to warrant review on certiorari.

In Land v. Dollar, suit was commenced by stockholders of Dollar Steamship Lines, Inc., Ltd., to recover

shares of stock endorsed in favor of the United States Maritime Commission. The stock certificates were transferred to the Maritime Commission in connection with certain contracts and loan agreements entered into between the parties. After all loans were paid, the stockholders demanded a return of all shares of stock pledged to secure the loan. Members of the Commission refused to surrender the shares, claiming that full ownership to the certificates had been conveyed to the Commission.

The stockholders filed suit in the district court, alleging that the Maritime Commission had unlawfully converted the stock certificates. The district court dismissed the complaint, with prejudice, holding that the suit was against the United States and barred by the doctrine of sovereign immunity.

The court of appeals reversed the district court's dismissal and the Maritime Commission sought review via certiorari. The Supreme Court affirmed the reversal by the court of appeals, noting that the members of the Maritime Commission could become tort-feasors by unlawfully seizing and holding a citizen's property without authority. The Court explained that if a trial upon the merits revealed that the contract was illegal or that the shares were merely pledged as security, then the shareholders might be entitled to possession of the certificates. Hence, the court held that a decision upon the merits was necessary in order to determine whether the Maritime Commission was wrongfully withholding the stock certificates.

The within case presents facts which are substantially different

from the facts in the Land v. Dollar decision. In the within case, there is no claim against the United States for the confiscation of any property alleged to be owned by the Petitioners. In fact, the Petitioners admit that the property in question was, at all times material, owned by the United States, in trust for the benefit of the Seminole Tribe, pursuant to federal law.

In Land v. Dollar, supra, a factual controversy existed between the stockholders and the Maritime Commission, as to whether the stock certificates were pledged or sold outright and a trial was necessary to resolve that fundamental dispute. In the within cause, there is no factual dispute regarding the manner in which land owned by the Seminole Tribe of Florida was taken into trust by the Secretary of the Interior. The Petitioners have alleged

that the Secretary waived the regulations codified under Chapter I of Title 25 of the Code of Federal Regulations, as authorized pursuant to 25 C.F.R. Section 1.2 (1971). All parties to this action agree that the Secretary waived said regulations, because the Secretary found such waiver to be in the best interests of the Seminole Tribe. Unlike the circumstances existing in Land v. Dollar, supra, the within case involves no dispute as to how the property was acquired by the United States and there is simply no need to proceed with a trial to resolve uncontroverted facts.

The alleged conflict between Land v. Dollar and the within case is also distinguishable upon the law. In Land v. Dollar, supra, the stockholders alleged that Section 207 of the Merchant Marine Act authorized the Maritime Commission to acquire stock only as

collateral. The complaint therefore alleged that members of the Commission acted ultra viries their statutory authority, by asserting ownership to the stock.[1] The statutory provisions regarding the Secretary of Interior's acquisition of trust properties for the benefit of the Indians, contain no such express prohibitions, and even authorize a complete waiver of regulations when such a waiver is deemed to be in the best interest of the Indians. 25 C.F.R. §1.2 (1971).

Further, the Petitioners' reliance upon Land v. Dollar, supra, and United States v. Lee, 106 U.S. 196, 27 L.Ed. 171, 1 S.Ct. 240 (1882), is misplaced, in that said decisions have been circumscribed by later Supreme Court

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[1]See discussion of Land v. Dollar decision in Larsen v. Domestic and Foreign Commerce Corporation, 337 U.S. 682, 702 n. 26; 93 L.Ed. 1628, 1642, n. 26 (1949).

opinions. See Larsen v. Domestic and Foreign Commerce Corporation, 337 U.S. 682, 93 L.Ed. 1628, 69 S.Ct. 1457 (1949); Malone v. Bowdoin, 369 U.S. 643, 8 L.Ed.2d. 168, 82 S.Ct. 980 (1962); Block v. North Dakota ex rel. Board of University and School Lands, 461 U.S. 273, 75 L.Ed.2d 840, 103 S.Ct. 1811 (1983). In Malone, the Supreme Court analyzed the principles advanced in United States v. Lee, supra, and subsequent cases relying thereon, including Land v. Dollar, supra. The Court noted that the Lee case was limited by the opinion in Larsen v. Domestic and Foreign Commerce Corporation, supra, and clarified the limited validity of the Lee decision as follows:

> While not expressly overruling United States v. Lee, the Court in Larsen limited that decision in such a way as to make it inapplicable to the case before us. Pointing out that at the time

> of the Lee decision there was no remedy by which the plaintiff could have recovered compensation for the taking of his land, the Court interpreted Lee as simply "a specific application of Constitutional exception to the doctrine of sovereign immunity". So construed, the Lee case has continuing validity only "where there is a claim that the holding constitutes an unconditional taking of the property without just compensation". (emphasis added).

The Malone Court observed that no claim for "an unconstitutional taking of property without just compensation" was advanced in the case and, therefore, placed no reliance upon the Lee rationale.

Similarly, the within case does not involve a claim that the United States has taken property without just compensation. Accordingly, the decisions in United States v. Lee and Land v. Dollar, simply do not apply to the legal issues raised in the within case.

The Petition for Writ of Certiorari

also alleges that the Eleventh Circuit decision in this cause conflicts with Eaton v. Dorchester Development, Inc., 692 F.2d 727 (11th Cir. 1982). An alleged conflict between two decisions rendered by the Court of Appeals for the Eleventh Circuit, does not support conflict jurisdiction so as to authorize review on certiorari. Wisniewski v. United States, 353 U.S. 901, 1 L.Ed.2d 658, 775 S.Ct. 633 (1957). In Wisniewski, the Supreme Court dismissed a certified question to resolve conflicting decisions within the Eight Circuit, opining at page 659:

> This undoubtedly raises problems when one panel has doubts about a previous decision by another panel of the same Court. . . . Doubt about the respect to be accorded to a previous decision of a different panel should not be the occasion for invoking so exceptional a jurisdiction of this Court as that on certification. It is primarily the task of a Court of Appeals to reconcile its internal difficul-

ties. See Re Burwel, 350 U.S. 521, 100 L.Ed 666, 76 S.Ct. 539; Western Pacific R. Corp. v. Western Pacific R. Co., 345 U.S. 247, 97 L.Ed 986, 73 S.Ct. 656 (emphasis added).

This Court's judicial discretion to resolve important matters upon certiorari should not be exercised to merely harmonize decisions of the same circuit court which are alleged to be in conflict. Rule 17 of the Rules of the Supreme Court of the United States (1980), provides no basis for review on certiorari of conflicting opinions within the same circuit court of appeals.

Nevertheless, the alleged conflict between Eaton v. Dorchester Development, Inc., supra, and the within decision is clearly distinguishable upon the facts. In Eaton, the trial court dismissed a complaint seeking rescission of certain contracts for the purchase of condominium units, which complaint based

federal jurisdiction upon the Interstate Land Sales Full Disclosure Act. Said Act provides federal subject matter jurisdiction in actions involving the development of subdivisions containing more than 100 units. A factual dispute arose as to whether the subdivision in question contained sufficient units to be governed by the Interstate Land Sales Full Disclosure Act. Although the factual disputes remained unresolved, the trial court dismissed the Complaint on the grounds that the development contained less than 100 units, thereby depriving the federal courts of subject matter jurisdiction. The court of appeals reversed the decision, finding that jurisdiction depended on facts which must be developed at trial.

The within case presents no disputed facts relative to subject matter jurisdiction and no party has ever

questioned the federal courts' jurisdiction in this cause. The method employed by the Secretary of Interior in connection with acquisition of lands in trust for the benefit of the Seminole Indian Tribe is set forth under the Complaint and the record below and those facts are not contested.

The Petitioners' have failed to show any conflict between the court of appeals decision in this cause and the cases cited above, and the Petition for Writ of Certiorari should be denied.

ARGUMENT II

THE DECISION OF THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT DOES NOT CONFLICT WITH FLORIDA DEPARTMENT OF STATE v. TREASURE SALVORS, INC., 458 U.S. 670, 73 L.Ed.2d 1057, 102 S.Ct. 3304 (1982) OR WITH ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATION, INC. V. CAMP, 397 U.S. 150, 25 L.Ed.2d 184, 90 S.Ct. 827 (1970)

The alleged conflict between the decision of the Court of Appeals for the Eleventh Circuit in this cause and the decision in Florida Department of State v. Treasure Salvors, Inc., 458 U.S. 670, 73 L.Ed.2d 1057, 102 S.Ct. 3304 (1982) is clearly distinguishable upon both the legal and factual issues raised by each case.

In Florida Department of State v. Treasure Salvors, Inc., supra, this Court held that the Eleventh Amendment did not prohibit the federal district court from executing a warrant to compel

the transfer of certain artifacts from state officials to the jurisdiction of the federal court. After noting that the state advanced no statutory basis for the withholding of the artifacts and that the state officials had no colorable claim to possession of the goods, this Court held that the warrant could issue against specific property within the custody of state officers.

The facts of the Treasure Salvors case are significantly different from the facts of the within case. Under Treasure Salvors, the State cited no statutory provisions which would reasonably authorize the State to retain possession of the artifacts. In the case at bar, the Secretary of the Interior has statutory authority to accept lands into trust for the benefit of the Seminole Tribe, in accordance with 25 U.S.C. Section 465, et seq.,

which statute allows the Secretary to acquire lands in trust for the purpose of providing land for Indians. Further, under Treasure Salvors, the State did not have a "colorable claim" to possession of the artifacts in question. In the within case, the United States holds record fee simple title to the real property as authorized under 25 U.S.C. 465.

In addition to the factual distinctions between Treasure Salvors and the within cause, the legal questions presented by each case are also markedly different. First, Treasure Salvors deals with state sovereign immunity under the Eleventh Amendment; no issues of state sovereign immunity are present in the within case. Second, under Treasure Salvors, the Court was confronted with the narrow issue of whether the State of Florida could be

compelled, by federal process, to deliver possession of property to the United States Marshall. This Court confined its decision to the issue of "possession", and specifically declined to determine "ownership" of the disputed artifacts, explaining at page 699:

> The Eleventh Amendment thus did not bar the process issued by the district court to secure possession of the artifacts of the Atocha held by the named state officials. The proper resolution of this issue, however, does not require - or permit - a determination of the state's ownership of the artifacts.

In this action, the State of Florida seeks to divest the United States of fee simple title to real property by seeking a declaration that the United State's title to the property be considered void and that the title to the property revert back to the Seminole Tribe of Florida. Accordingly, the within action directly challenges the

sovereign's ownership of the property, in stark contrast to the Treasure Salvors opinion.

Lastly, the Petitioners suggest that the Eleventh Circuit decision in this cause conflicts with the decision of Association of Data Processing Organization, Inc. v. Camp, 397 U.S. 150, 25 L.Ed.2d 184, 90 S.Ct. 827 (1970). The Data Processing opinion was cited by the Petitioners in connection with the standing arguments raised before the court of appeals. However, the Eleventh Circuit decision ruled that the lawsuit was barred by the doctrine of sovereign immunity and the Court did not even address the standing question. Accordingly, there is simply no conflict between the Eleventh Circuit decision in this cause and the Data Processing opinion.

Because no conflict exists between

the court of appeals decision in this cause and Treasure Salvors or Data Processing, the Petition for Writ of Certiorari should be denied.

ARGUMENT III

THIS COURT'S PRIOR DECISION IS CONTROLLING AND THE PETITIONERS' ARGUMENT IS WITHOUT MERIT

While the Petitioners' action against the Secretary of Interior was styled as an "officer's suit", a review of the Complaint reveals that the action represents a direct attempt to divest the United States of fee ownership to real property. This Court has held in Block v. North Dakota, ex rel. Board of University and School Lands, 461 U.S. 273, 75 L.Ed.2d 840, 103 S.Ct. 1811 (1983) that the Quiet Title Act of 1972 ("QTA"), codified at 28 U.S.C. 2409(a), constitutes the exclusive

means by which claimants may challenge the United States' title to real property.

In Block, the State of North Dakota filed suit against several federal officers to resolve an ownership dispute regarding certain portions of a river bed claimed by both the state and the United States. The suit requested injunctive and mandamus relief, together with a declaratory judgment for the purpose of determining ownership of the river bed. The relief demanded by the State of North Dakota in the Block case, and the relief sought by the State of Florida in the within action are virtually identical; both states have proceeded with declaratory actions in an effort to divest the United States of title to real estate.

In Block, the District Court rendered judgment quieting title in

favor of North Dakota and the court of appeals affirmed. This Court granted certiorari in order to consider whether the QTA, and its statute of limitations, were applicable to the states.

This Court discussed the "officer's suit" as a possible vehicle for obtaining an adjudication of United States' real property interests. After surveying the decisions which addressed such federal officer litigation, this Court observed that "in the decade after Malone, claimants having disputes with the United States over real property met with little success in most courts".[2] In Block, this Court focused

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[2]Most such claims have been asserted under the Administrative Procedure Act. The within suit is not authorized under the APA, because the agency action in question "is committed to agency discretion in law". 5 U.S.C. §701(1). The provisions of 25 U.S.C. §465 allow the Secretary, "in his discretion, to acquire . . . land for Indians" and 25 C.F.R. §1.2 authorizes the Secretary to waive all regulations when a waiver is

upon the legislative history surrounding the QTA, and held that claimants may not attack the federal government's title to land under an officer's suit theory. Specifically, the Court held at page 1819:

> We hold that Congress intended the QTA to provide the exclusive means by which adverse claimants could challenge the United States title to real property (emphasis added).

While the QTA provides the exclusive means to challenge the federal government's title to real estate, that act also provides that "this section does not apply to trust or restricted Indian lands . . ." This Court expressed a concern with the filing of an officer's suit in an attempt to vitiate the Indian lands "exception" to the QTA and

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when a waiver is in the best interests of the Indians. Such broad discretion is simply not subject to judicial review. Panama Canal Company v. Grace Line, 356 U.S. 309, 79 S.Ct. 752, 2 L.Ed.2d 788 (1958).

explained, at page 1818, that, "If we were to allow claimants to try the federal government's title to land under an officer's suit theory, the Indian land's exception to the QTA would be rendered nugatory".

The Petitioners' reliance upon the Administrative Procedure Act ("APA"), in an effort to elude the limitations imposed under the QTA with respect to "trust or restricted Indian lands" is prohibited by §702 of the APA. Specifically, 5 U.S.C. §702 of the APA provides as follows:

> Nothing herein (1) affects other limitations on judicial review or the power or duty of the court to dismiss any action or deny relief on any other appropriate legal or equitable ground; or (2) confers authority to grant relief <u>if any other statute that grants consent to suit expressly or impliedly forbids the relief which is sought</u>. (emphasis added)

Certainly the provisions of the QTA grant "consent to suit" and that act

expressly forbids the assertion of claims against lands held in trust for Indians. Therefore, the APA provides no basis for the Petitioners' action to remove title to Indian trust lands from the United States.[3]

The issues resolved by Block v. North Dakota, supra, are virtually identical to the issues presented in the Petition for Writ of Certiorari and that decision is controlling. Because this Court has already decided these matters, the Petition for Writ of Certiorari should be denied.

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[3]This Court, in Block v. North Dakota ex rel. Board of University and School Lands, supra, recognized that the APA did not create an additional means to divest the United States of its titular interests in real property. This Court noted, at page 1819, n.22, that "§702 provides no authority to grant relief when Congress has dealt in particularity with a claim and has intended a specified remedy to be the exclusive remedy." As discussed herein, the QTA constitutes the exclusive remedy by which the state may challenge the sovereign's ownership of real property.

CONCLUSION

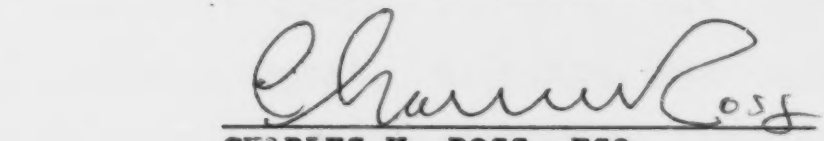
In light of the foregoing argument and citation of authorities, the Respondent respectfully submits that the Petition for Writ of Certiorari fails to set forth any conflict between the decision of the United States Court of Appeals for the Eleventh Circuit in this cause and any opinion rendered by this Court or any federal court of appeals. The Petition for Writ of Certiorari further fails to set forth any other special considerations which would support a review of the merits on Certiorari, and the Respondent requests that the Petition for Writ of Certiorari be denied.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12 day of December, 1985, a true and correct copy of the foregoing was furnished, via U.S. Mail, postage prepaid, to **F. HENRY HABICHT, II, ESQ.**, Assistant Attorney General, Department of Justice, Washington, DC 20530; **ROBERT W. MERKLE, JR., ESQ.**, United States Attorney, Robert Timberlake Bldg., Room 410, 500 Zack Street, Tampa, FL 33602; **J. CAROL WILLIAMS, ESQ.**, and **WENDY B. JACOBS, ESQ.**, Department of Justice, Land and Natural Resources Division, Washington, DC 20530; **HAROLD F. X. PURNELL, ESQ.**, General Counsel, Department of Business Regulation, 725 S. Bronough Street, Tallahassee, FL 32301; **JOSEPH C. MELLINCHAMP, ESQ.**, Assistant Attorney General, Office of the Attorney General, The Capitol, Tallahassee, FL 32301;

JIM C. SMITH, ESQ., Attorney General, Office of the Attorney General, The Capitol, Tallahassee, FL 32301; JOSEPH G. SPICOLA, JR., ESQ., City Attorney, City Hall, 305 Jackson Street, Tampa,FL 33602; WILLIAM H. COLDIRON, SOLICITOR, Department of Interior, Washington, DC 20240, and to CHARLES FRIED, ESQ., SOLICITOR GENERAL, Department of Justice, 10th & Pennsylvania Avenue N.W., Washington, DC 20530.

Respectfully submitted,



CHARLES W. ROSS, ESQ.
Greene & Mastry, P.A.
P.O. Box 3542
St. Petersburg, Florida 33731
(813) 893-1963